

REMARKS

Initially, Applicants thank the Examiner for withdrawing several of the objections to the claims. Applicants express appreciation for indicating that claim 8 would be allowable if amended to include the recitation of, *e.g.*, claim 4.

Reconsideration and withdrawal of the rejections of record is respectfully requested.

Summary of Status of Amendments and Office Action

In the present amendment, claims 3-5 and 7 are canceled, and claim 8 is amended. Claims 1-2 and 6 have been previously canceled. Therefore, claim 8 is pending in the application.

Applicants note that the amendment to claim 8 is fully supported by the specification. Applicants also note that the Examiner indicated on page 6 in the Office Action that such a claim should be allowable.

Claims 3-5, 7 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 3-5 and 7 are rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description requirement.

Response to §112, Second Paragraph Rejections

Claims 3-5 and 7 remain rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description requirement. The Office Action continues to assert that claims 3-5 and 7 contain subject matter which was not described

in the specification in such a way as to reasonably convey to one in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Office Action again notes that the specification, at page 5, paragraph 4 defines "an apoptosis related protein which binds to NADE" to include something "which includes unknown" compounds. Therefore, the Office Action asserts that Applicants did not have possession of the claimed subject matter. The Office Action notes that if the claim was limited to the examples cited, the claims would be allowable.

In response, in the interest of lessening the outstanding issues to speed prosecution, Applicants have canceled claim 3-5 and 7. Therefore, Applicants respectfully submit that the rejection should be withdrawn.

Applicants decision to cancel claims 3-5 and 7 is not an acquiescence to the Office Action's assertions, but was made to allow for the early issuance of allowable claim 8. Applicants expressly reserve the right to pursue claims 3-5 and 7 in a continuation application.

Response to §112, Second Paragraph Rejections

Claims 3-5, 7 and 8 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Office Action asserts that claims 3-5, 7 and 8 are indefinite for omitting essential elements, including a contacting step and a step correlating the detection step to the purpose in the preamble. The Office Action notes that amending claims 3 and 8 with the limitation of claim 4 would obviate the rejection.

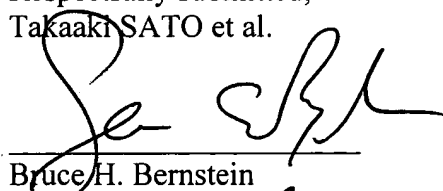
In response, in the interest of lessening the outstanding issues to speed prosecution, Applicants have canceled claim 3-5 and 7, and have amended claim 8 to

include the limitation of claim 4. Therefore, Applicants respectfully submit that the rejections of claim 3-5, 7 and 8 under 35 U.S.C. §112, second paragraph has been overcome, and should be withdrawn.

CONCLUSION

For the reasons advanced above, Applicants respectfully submit that all pending claims patentably define Applicants' invention. Allowance of the application with an early mailing date of the Notices of Allowance and Allowability is therefore respectfully requested. Applicants again note that the decision to cancel claims 3-5 and 7 is not an acquiescence to the Office Actions assertions, but was made to allow for the early issuance of allowable claim 8. Applicants expressly reserve the right to pursue claims 3-5 and 7 in a continuation application. If any issues remain which may be expeditiously resolved by a telephone conference, the Examiner is respectfully invited to telephone the undersigned at the below listed number to discuss the same.

Respectfully submitted,
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July 26, 2004
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